

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF JANUARY 26, 2007

(Published February 3, 2007, in *Finance and Commerce*)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

January 26, 2007 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Benson, Goodman, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Remington, President Johnson.

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote 1/26/2007.

Lilligren moved acceptance of the minutes of the regular meeting of January 12, 2007 and the adjourned session held January 17, 2007. Seconded.

Adopted upon a voice vote 1/26/2007.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 1/26/2007.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271739)

Minnehaha Academy (4200 W River Pkwy): Preliminary & final approval to issue bonds for South Campus project.

West Bank Blue Goose Limited Partnership (re Blue Goose Apartments & Family Tree Cooperative, 1819 S 5th St, 1825 S 5th St, 1815 S 6th St, 1818 S 7th St, 2601 S 6th St, 601-26th Ave S, 723 & 725 - 26th Ave S): Preliminary approval to issue bonds for improvements to multi-family rental housing facilities.

American Indian Community Development Corporation: Extend exclusive development rights for five parcels for 24 months; Award exclusive development rights for one year for City-owned parcels at 726 & 730 E Franklin Ave and 2111 - 14th Ave S.

Heritage Park Redevelopment Project-Phases 3 & 4: Authorize term sheet with Thor Development Group for 60 days.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271740)

Acceptance of Bids:

Lutz Construction Co - OP No. 6715 (2123 Lyndale Ave N);

Ram Construction and Remodeling - OP No. 6697 (3343 Fremont Ave N);
Ram Construction and Remodeling - OP No. 6696 (2302 Fremont Ave N).
MN Housing Finance Agency Single Family Fall 2006 Community Revitalization Fund: Acceptance of award funds totaling \$300,000.

GRANTS AND SPECIAL PROJECTS (271741)

Housing Opportunities for Persons with AIDS (HOPWA) Grant Funds: Authorize contracts for unspent 2004 & 2005 HOPWA funds.

HEALTH, ENERGY AND ENVIRONMENT

CIVIL RIGHTS (271742)

Report on Somali Youth Issues.

HEALTH, ENERGY AND ENVIRONMENT (See Rep):

COUNCIL MEMBER GORDON (271743)

Youth Violence Prevention Steering Committee: Approve appointments.

MAYOR (271744)

Civilian Police Review Authority Board: Approve appointments.

HEALTH, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271745)

Teenage Pregnancy and Parenting Program: Accept grant award and execute agreement with Minnesota Department of Public Safety.

HEALTH AND FAMILY SUPPORT SERVICES (271746)

Twin Cities Healthy Start Project: Authorize apply for two continuation grants for Year 3 and 4 from United States Department of Health and Human Services.

Healthy Sleep Project: Accept funds from March of Dimes; and Appropriate funds.

INTERGOVERNMENTAL RELATIONS:

GRANTS AND SPECIAL PROJECTS (271747)

2006 Annual Report.

HENNEPIN COUNTY (271748)

2007 Hennepin County Legislative Platform Outline.

INTERGOVERNMENTAL RELATIONS (271749)

Minnesota Congressional Delegation listing.

Change in City LGA Per Capita Since 2000 chart.

INTERGOVERNMENTAL RELATIONS (See Rep):

CRIMINAL JUSTICE COORDINATING COMMITTEE (271750)

2007 Criminal Justice Coordinating Committee Legislative Agenda.

PUBLIC WORKS AND ENGINEERING (271751)

Moving Forward Together: U of M Neighborhood Impact Report Update.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (271752)

Foundation Nightclub (10 S 5th St): Grant On-Sale Liquor Class B with Sunday Sales License, with conditions.

Pancho Villas Grill (2539 Nicollet Av): Grant On-Sale Liquor Class C-2 with Sunday Sales License; Catering License; and Sidewalk Cafe License, subject to conditions.

Licenses: Applications.

REGULATORY SERVICES (271753)

2126 Dupont Av N: Waive 60-day waiting period requirements set forth in Code to declare the property a nuisance and begin abatement proceedings.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

FIRE DEPARTMENT (271754)

2007 Radiological Emergency Preparedness Training: Accept donation from Hennepin County for Fire Department personnel to attend training; and Approve appropriation.

POLICE DEPARTMENT (271755)

Operation Nightcap: Accept grant award and execute agreement with Minnesota Department of Public Safety for Driving While Intoxicated Saturation Program; and Approve appropriation.

TRANSPORTATION AND PUBLIC WORKS:

CENTERPOINT ENERGY (271756)

Riverside Pipeline Routing Permit: Project description.

PUBLIC WORKS AND ENGINEERING (271757)

Pedestrian Advisory Committee: Set public hearing for 1/30/2007 to consider appointments.

Traffic Zones, Restrictions, and Controls: 4th Quarter 2006 report.

School Pedestrian Safety Program: Informational report.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (271758)

Director of Public Works: Appoint Steven A. Kotke.

Easement Deed: Correct error on previous deed with Andrews, Inc. for portion of right-of-way at Huron Blvd and University Av SE.

Hennepin County Electronic Data Sharing Agreement: Extend agreement thru 12/31/2007.

West Lake St (Dupont Av S to Blaisdell Av S and Lyndale Av S from 29th to 31st St) Reconstruction and Streetscape Project No 6708: Designation, cost estimate, and set public hearings.

Municipal State Aid Street System: Add CSAH 17, France Av from W Lake St to Cedar Lake Av.

Railroad Safety Project: Agreement with Burlington Northern Santa Fe Railway Company and Commissioner of Transportation for project at 27th Av NE, between 2nd St NE and California St NE.

Stormwater Utility Fee: Deny appeal of John Zimmerschied for property at 4400 and 4430 Lyndale Av N.

Fire Station No. 14: Final Change Order with Rochon Corporation.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (271759)

Water Works Dewatering Plant: Change order to contract with R & R Leasing, Inc. for hauling treatment residuals.

Superintendent of Water Plant Operations: Authorize Step 5 of salary scale.

Non-Motorized Transportation Pilot Project (NTP): Amendment No. 1 to agreement with State to provide up to \$2,474,892 in federal grant funds and amend agreement with Transit for Livable Communities (TLC) to perform work.

Downtown Minneapolis Transportation Management Organization (TMO): Amendment No. 1 to agreement with Metropolitan Council to provide up to \$665,707 in federal grant funds and amend agreement with Downtown Minneapolis TMO to perform work.

East Lake Street Reconstruction and Streetscape Projects: Approve appropriations.

Fuel Price Contracts: Authorize proper City officers to enter into contracts for fixed fuel prices based on futures markets.

Street Furniture Program: Approve appropriation of \$100,000 from Parking Fund.

Bids: a) OP 6694, Egan Companies, Inc. for removal and installation of light fixtures at Parking Ramp B; b) OP 6701, Low Voltage Contractors for alarm system upgrades at two parking ramps; and c) OP 6703, Mountain Environment, Inc. for disposal of lime waste.

WAYS AND MEANS/BUDGET:

BUSINESS INFORMATION SERVICES (BIS) (271760)

BIS 5-Year Business Plan: Presentation and Plan.

COMMUNICATIONS (271761)

Communications 5-Year Business Plan: Presentation and Plan.

COORDINATOR (271762)

Unisys Outsourcing Contract: Report and Presentation on Performance Analysis.

WAYS AND MEANS/BUDGET (See Rep):

BUSINESS INFORMATION SERVICES (BIS) (271763)

Mythics, Inc.: Execution of contract to provide training on the new financial system software.

Practice Manger System: Agreements with State of Minnesota and Hennepin County for release of specific district court case records.

COMMUNICATIONS (271764)

Utility Billing Insert: February 2007 insert announcing the 2007 North and South Minneapolis Housing Fair.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271765)

Siyeza, Inc.: Loan declared uncollectible and forgiven.

COORDINATOR (271766)

New Central Library Project: Change Order with Border State Electric.

FINANCE DEPARTMENT (271767)

iDSS: Transition Plan.

REGULATORY SERVICES (271768)

Vacant & Boarded Properties Chapter 249 Properties: Cancel CDBG Program loan; Authorize transfer back of funds from Regulatory Services to CPED Vacant & Boarded Housing program; and reappropriation of funds.

ZONING AND PLANNING (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271769)

Waiver:

Hotel Uptown (3017, 3021 and 3027 Holmes Ave S): Waiver from the restrictions included in the Uptown moratorium (Chapter 581), which restricts construction that exceeds the maximum height permitted as of right by the zoning code.

HERITAGE PRESERVATION COMMISSION (271770)

Appeal:

Pacific Development (215-223 2nd St N; 212-216 2nd Ave N and part of 219 2nd St N, 206-214 1/2 Washington Ave N and part of 216 2nd Ave N; and the interior of the block bounded by Washington Ave N, 3rd Ave N, 2nd St N and 2nd Ave N): re decision of the HPC denying Certificates of Appropriateness (COA) for components of Pacific Development Project.

INSPECTIONS/BOARD OF ADJUSTMENT (271771)

Appeals:

Stadium Village Plaza (917 Washington Ave SE): re decision of Board of Adjustment denying an application for variance.

Michael and Mary Garrity (5324 Grand Ave S): re decision of Board of Adjustment denying variances.

PLANNING COMMISSION/DEPARTMENT (271772)

Rezoning:

Van Cleve Development (901-941 13th Ave SE and 932 12th Ave SE).

Vacations:

Van Cleve Development (901-941 13th Ave SE and 932 12th Ave SE): a) Alley vacation; b) Alley and street vacation; both for construction of a planned unit development.

Plan:

Master Plan for the Marcy-Holmes Neighborhood: Supplement as an amendment to the existing adopted Master Plan for the Marcy-Holmes Neighborhood.

FILED:

MINNESOTA STATE OFFICES-Auditor (271773)

Minneapolis Neighborhood Revitalization Policy Board, year end 12/31/2005, audit report.

COLORPLAST MANUFACTURING US, LLC (271774)

Vacate 17th Ave N between West River Road and N 1st St; Lot 001, Block 002, North Washington Industrial Center, 2nd Addition and Lots 4 & 5, Block 001, North Industrial Center, 2nd Addition for future office, manufacturing and parking expansion.

The following reports were signed by Mayor Rybak on January 31, 2007, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds on behalf of the Minnehaha Academy educational facility at 3100 W River Pkwy (north campus, 9-12 grades) and 4200 W River Pkwy (south campus, pre-kindergarten-8 grade) for the renovation and addition to the existing south campus, addition to the existing hockey arena and reorganization and addition to the student pick up and drop off area, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$11 million in 501(c)(3) Tax-exempt Revenue Bonds for the Minnehaha Academy South Campus Project.

Adopted 1/26/2007.

Resolution 2007R-022, authorizing the issuance and sale of up to \$11 million in 501(c)(3) Tax-exempt Revenue Bonds of the City for the Minnehaha Academy South Campus Project at 4200 W River Pkwy, and the execution of documents, was adopted 1/26/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-022

By Goodman

Authorizing the Issuance and Sale of Revenue Bonds of the City for the Minnehaha Academy Project and the Execution of Documents.

Whereas, this Council has received a proposal from Minnehaha Academy, a Minnesota nonprofit corporation ("the Borrower"), that the City of Minneapolis (the "City") finance all or a portion of the cost of a proposed project under Minnesota Statutes, Sections 469.152 through 469.165 (the "Act"), consisting of the expansion, renovation, remodeling and equipping of the Borrower's south campus lower and middle school facility located at 4200 West River Parkway in the City, including related site improvements (collectively, the "Project"); and

Whereas, at a public hearing, duly noticed and held on January 16, 2007, in accordance with the Act and Section 147(f) of the Internal Revenue Code of 1986, as amended, on the proposal to undertake and finance the Project, all parties who appeared at the hearing were given an opportunity to express their views with respect to the proposal to undertake and finance the Project, and interested persons were given the opportunity to submit written comments to the City Clerk before the time of the hearing; and

Whereas, this Council hereby finds that the issuance and sale of up to \$11,000,000 aggregate principal amount of the City's Revenue Bonds (Minnehaha Academy Project), in one or more series (the "Bonds"), to finance all or a portion of the cost of the Project is in the best interest of the City and the City hereby determines to issue and sell such Bonds; and

Whereas, the Bonds will be issued by the City under the authority contained in the Act; and

Whereas, the proceeds of the Bonds will be loaned (the "Loan") by the City to the Borrower, in order to finance all or a portion of the cost of the Project and pay certain costs of issuance of the Bonds; and

Whereas, pursuant to a Loan Agreement (the "Loan Agreement"), to be entered into among the City, the Borrower and GE Capital Public Finance, Inc. (the "Lender"), a copy of which has been presented to the Council at this meeting and which has been reviewed to the extent deemed necessary, the City will lend the proceeds of the Bonds to the Borrower. The Borrower will unconditionally agree to repay the Loan made by the City under the Loan Agreement in specified amounts and at specified times sufficient to make the necessary payments of principal of, premium, if any, and interest on the Bonds, when due. In addition, the Loan Agreement contains provisions relating to the payment by the Borrower of the fee of the City related to the Bonds and of administrative costs, indemnification, insurance and other agreements and covenants which are required by the Act or which are permitted by the Act and which the City, the Borrower and the Lender deem necessary or desirable in connection with the sale of the Bonds. Under the Loan Agreement, the City will assign and pledge all of its right, title and interest in the Loan Agreement (other than the right of the City to indemnification and payment of administrative fees and expenses), to the Lender, and the City will appoint the Lender as its lawful attorney for the purpose of collecting payments under the Loan Agreement, and will grant a security interest in certain revenues and payments to be received by the City under the Loan Agreement to the Lender. The Loan Agreement also, among other things, sets the interest rates, maturity dates and redemption provisions for the Bonds and contains other provisions which are required by the Act or which are permitted by the Act and which the City, the Borrower and the Lender deem necessary or desirable in connection with the sale of the Bonds; and

Whereas, certain proceeds of the Bonds will be deposited into an Escrow Fund to be held, invested and disbursed by Lender pursuant to the Escrow Agreement (the "Escrow Agreement"), a copy of which has been presented to the Council at this meeting and which has been reviewed to the extent deemed necessary; and

Whereas, the Bonds will be special, limited obligations of the City payable solely from Loan Payments (as defined in the Loan Agreement) payable by the Borrower under the Loan Agreement, and certain funds held by the Lender under the Loan Agreement and the Escrow Agreement. The Bonds shall not be payable from or charged upon any funds of the City other than the revenues pledged to the payment thereof, nor shall the City be subject to any liability thereon. No holder or holders of any Bond shall ever have the right to compel any exercise of the taxing power of the City to pay any such Bond or the interest thereon, nor to enforce payment thereof against any property of the City other than such revenues specifically pledged under the Loan Agreement. The Bonds shall not constitute a debt of the City within the meaning of any charter, constitutional or statutory limitation;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That in order to provide for the financing of all or a portion of the costs of the Project, the City hereby authorizes the issuance of the Bonds as fixed rate revenue bonds under the Act, in an aggregate

principal amount not to exceed \$11,000,000. It is acknowledged that the purchase price of the Bonds, the principal amount of the Bonds, the maturity schedule of the Bonds and the interest rates on the Bonds have not been determined as of this date and are not reflected in the forms of the Loan Agreement or the Escrow Agreement. The City Finance Officer is hereby authorized to approve: (1) the purchase price of such Bonds; (2) the principal amount of such Bonds; provided that the principal amount of the Bonds does not exceed \$11,000,000; (3) the maturity schedule of such Bonds; provided that such Bonds mature at any time or times in such amount or amounts no later than 30 years after the date of issue thereof; (4) the provisions for redemption of such Bonds; and (5) the interest rates on such Bonds; provided that the initial interest rate shall be a fixed rate not to exceed five percent (5.0%) per annum. Such approval shall be conclusively evidenced by the execution of the Loan Agreement and the Bonds as provided herein.

Be It Further Resolved that each Bond shall be executed on behalf of the City by the manual or facsimile signature of the City Finance Officer. If the City Finance Officer who shall have signed any of the Bonds shall cease to be such officer of the City before the Bonds so signed shall have been delivered by the City, such Bonds nevertheless may be authenticated, issued and delivered with the same force and effect as though the person who signed such Bonds had not ceased to be such officer of the City.

Be It Further Resolved that the Loan Agreement and the Escrow Agreement are hereby made a part of this Resolution as fully as though set forth in full herein and are hereby approved in the forms submitted to this meeting, and the City Finance Officer is hereby authorized and directed to execute, acknowledge and deliver the Loan Agreement and the Escrow Agreement on behalf of the City with such changes, insertions and omissions therein as are within the limitations as provided in the second preceding paragraph and do not change the substance of the Loan Agreement and the Escrow Agreement and as may be approved by the City Finance Officer, such approval to be evidenced conclusively by the execution of the Loan Agreement and the Escrow Agreement.

Be It Further Resolved that the City Finance Officer is hereby authorized and directed to execute and deliver all other documents which may be required under the terms of the Loan Agreement and the Escrow Agreement and to take such other action as may be required or appropriate for the performance of the duties imposed thereby or to carry out the purposes thereof.

Be It Further Resolved that in the absence or disability of the City Finance Officer, any Assistant or Deputy Finance Officer may execute any instrument necessary in connection with the issuance of the Bonds. The execution of any instrument by an authorized officer of the City shall be conclusive evidence of its approval.

Be It Further Resolved that the City Finance Officer is hereby designated for all purposes of the Loan Agreement, the Escrow Agreement and any related documents as the City official authorized to execute on behalf of the City certificates, requests or consents as provided in the Loan Agreement, the Escrow Agreement or any related documents.

Be It Further Resolved that each Bond is hereby designated as a "Program Bond" and is determined to be within the "Program" as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 1/26/2007.

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds on behalf of West Bank Blue Goose Limited Partnership LLP for the Blue Goose Apartments and Family Tree Cooperative Project, for financing the acquisition and construction of improvements to multi-family rental housing facilities at 1819 and 1825 S 5th St, 1815 S 6th St, 1818 S 7th St, 2601 S 6th St & 601, 723 and 725 - 26th Ave S, now recommends passage of the accompanying resolution giving preliminary approval to the issuance of up to \$3,300,000 Tax-exempt Multi-family Rental Housing Entitlement Revenue Bonds for said project.

Adopted 1/26/2007.

Resolution 2007R-023, giving preliminary approval to the issuance of up to \$3,300,000 Tax-exempt Multi-family Rental Housing Entitlement Revenue Bonds under Minnesota Statutes, Chapter 462C, for the purpose of financing a housing program consisting of the acquisition and construction of a

multifamily rental housing development for the benefit of West Bank Blue Goose Limited Partnership, its general partner, West Bank Community Housing Corporation, or an affiliate, at 1819 and 1825 S 5th St, 1815 S 6th St, 1818 S 7th St, 2601 S 6th St & 601, 723 and 725 - 26th Ave S, was adopted 1/26/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-023

By Goodman

Giving preliminary approval to the issuance of tax-exempt multifamily housing revenue bonds under Minnesota Statutes, Chapter 462C, for the purpose of financing a housing program consisting of the acquisition and construction of a multifamily rental housing development for the benefit of WB Blue Goose Limited Partnership, its general partner, West Bank Community Housing Corporation, or an affiliate.

Whereas, the City of Minneapolis, Minnesota (the "City"), is authorized, pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Act"), to develop and administer programs to finance one or more multifamily housing developments within its boundaries; and

Whereas, Section 462C.07 of the Act authorizes the City to issue and sell revenue bonds or obligations to finance programs for the multifamily housing developments; and

Whereas, representatives of WB Blue Goose Limited Partnership, a Minnesota limited partnership whose general partner is West Bank Community Housing Corporation, or an affiliated entity (the "Developer"), has requested that the City adopt a multifamily housing development program (the "Program") to provide for the issuance of one or more series of tax-exempt multifamily housing revenue bonds in an aggregate principal not to exceed approximately \$3,300,000 (the "Bonds") for the purpose of loaning the proceeds thereof to the Developer to finance the acquisition and construction of improvements by the Developer to multifamily rental housing facilities consisting of a building located at 1819 South Fifth Street with fourteen (14) apartment units, a building located at 1825 South Fifth Street with sixteen apartment units, a single family home located at 1815 South Sixth Street, a single family home located at 1818 South Seventh Street, a building with two apartment units located at 2601 South Sixth Street and two apartment units located at 601 26th Avenue South, and a duplex located at 723 26th Avenue South and 725 26th Avenue South, all located in the City (the "Project"); and

Whereas, the Community Development Committee of the Minneapolis City Council, on behalf of the City, held a public hearing on the Program and the proposed issuance of the Bonds on a date at least fifteen (15) days following the publication in a newspaper of general circulation in the City of a notice of such public hearing; and

Whereas, the Program was submitted to the Metropolitan Council for its review and comment in accordance with the requirements of the Act; and

Whereas, the City has been advised by the Developer that conventional commercial financing is available to pay the capital costs of the Project only on a limited basis and at such high costs of borrowing that the scope of the Project and the economic feasibility of its operations would be significantly affected; and

Whereas, the City shall not be liable on the Bonds, and the Bonds shall not constitute a debt of the City within the meaning of any state constitutional provision or statutory limitation, the Bonds shall not constitute or give rise to a charge against the general credit or taxing powers of the City, the Bonds shall not constitute or give rise to a pecuniary liability of the City, and the Bonds shall be payable solely out of any funds and properties expressly pledged as security therefor;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Program is hereby approved and adopted by the City.

Be It Further Resolved that the issuance of the Bonds pursuant to the Program in an aggregate principal amount of not to exceed approximately \$3,300,000 is hereby preliminarily approved.

Be It Further Resolved that the foregoing preliminary approval of the issuance of the Bonds shall be subject to final determination by the City of terms and conditions and shall not constitute an irrevocable commitment on the part of the City to issue the Bonds.

Be It Further Resolved that the staff of the City is hereby authorized, in cooperation with bond counsel, to take all steps necessary and desirable to proceed to develop the Program and financing therefor.

Adopted 1/26/2007.

Comm Dev - Your Committee, having under consideration the Parcel D East Redevelopment Contract between the City and Brighton Park East LLC (affiliate of Brighton Development Corporation) for redevelopment of the Park Ave E site at 201 Park Ave S, extended to 1/31/2007 by Council action on 12/22/2006, now recommends that said Redevelopment Contract be further extended to 2/28/2007.

Adopted 1/26/2007.

Comm Dev - Your Committee, having under consideration the exclusive development rights for the American Indian Community Development Corporation on five parcels at 1913, 1919 and 1929 Columbus Ave S, 2313 - 13th Ave S and 2119 - 14th Ave S, now recommends approval of an extension of exclusive development rights for 24 months from the expiration date, expiring 10/10/2007, and that the proper City officers be authorized to execute the necessary documents.

Your Committee further recommends that the AICDC be awarded exclusive development rights for one year for the three City-owned parcels at 726 and 730 E Franklin Ave and 2111 - 14th Ave S, and that the proper City officers be authorized to execute the necessary documents.

Adopted 1/26/2007.

Comm Dev - Your Committee, having under consideration negotiation of a term sheet for the Heritage Park redevelopment project, now recommends that the proper City officers be authorized to negotiate a term sheet with Thor Development Group for Phases 3 and 4 of Heritage Park Redevelopment Project for 60 days.

The developer (Thor Development Group) will encourage builders working within the development to obtain energy star certification and will make good faith efforts to incorporate other green and sustainability initiatives throughout the development. In addition, the developer will hold at least one more meeting to receive input from the community on the development.

Adopted 1/26/2007.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute and/or amend contracts to distribute unspent 2004 and 2005 Housing Opportunities for Persons with AIDS grant funds in the amount of \$119,557.19, previously released with the Council action of 11/3/2006.

Adopted 1/26/2007.

Comm Dev & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Department of Community Planning & Economic Development on OP No. 6715 from Lutz Construction Company in the amount of \$167,189 to furnish and deliver all labor, materials, equipment, and incidentals necessary to complete new construction at 2123 Lyndale Ave N.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 1/26/2007.

Comm Dev & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Department of Community Planning & Economic Development on OP No. 6697 from Ram Construction and Remodeling in the amount of \$125,950 to complete the renovation of the exiting single family home and site work at 3343 Fremont Ave N.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 1/26/2007.

Comm Dev & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Department of Community Planning & Economic Development on OP No. 6696 from Ram Construction and Remodeling in the amount of \$124,600 to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish the renovation and related work at 2302 Fremont Ave N.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 1/26/2007.

Comm Dev & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept Minnesota Housing Finance Agency (MHFA) Single Family Fall 2006 Community Revitalization Award funding totaling \$300,000 to provide additional funding to cover home improvement costs associated with the Department of Housing Inspections exterior housing inspections taking place in north and northeast Minneapolis, and to execute grant, subrecipient and/or disbursement and related agreements for these funds.

Your Committee further recommends passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$300,000 to reflect the receipt of funds, and increasing the revenue budget.

Adopted 1/26/2007.

RESOLUTION 2007R-024
By Goodman and Ostrow

Amending the 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the Other Grants - State & Local Fund (0600-890-8953) by \$300,000 and increasing the revenue source (0600-890-8490) by \$300,000.

Adopted 1/26/2007.

The **HEALTH, ENERGY & ENVIRONMENT** Committee submitted the following reports:

HE&E - Your Committee recommends concurrence with the recommendation of the Mayor to appoint the following persons to the Civilian Police Review Authority for four-year terms to expire December 31, 2009:

- a. Charles Hall, Ward 4
- b. Joseph Dobbert, Ward 9.

Adopted 1/26/2007.

HE&E - Your Committee recommends passage of the accompanying resolution amending Resolution 2006R-571 entitled "Recognizing Youth Violence as a Public Health Problem and Establishing a Youth Violence Prevention Steering Committee", passed November 17, 2006, to change the membership from 15 to 27 members, and to include ex-officio members.

Adopted 1/26/2007.

Resolution 2007R-025, amending Resolution 2006R-571 entitled "Recognizing Youth Violence as a Public Health Problem and Establishing a Youth Violence Prevention Steering Committee", passed November 17, 2006, was adopted 1/26/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-025
By Gordon

Amending Resolution 2006R-571 entitled "Recognizing Youth Violence as a Public Health Problem and Establishing a Youth Violence Prevention Steering Committee", passed November 17, 2006.

Resolved by The City Council of The City of Minneapolis:

That the following Resolved Clause contained in the above-entitled Resolution be amended to read as follows:

Be It Further Resolved that the Steering Committee consist of no more than 27 members, up to 10 members appointed by the Mayor, up to 10 members appointed by the City Council and up to four members to be chosen by the Steering Committee, to include: representatives from the communities most affected by youth violence including at least one representative each from a faith community and the business community and elected officials representing the City. The membership of the panel shall reflect the ethnic and the cultural diversity of Minneapolis and be co-chaired by one community representative and one government representative. The Chief of Police, Health Commissioner and Executive Director of the Youth Coordinating Board will be appointed as nonvoting ex-officio members.

Adopted 1/26/2007.

HE&E - Your Committee recommends concurrence with the recommendation of the Mayor and City Council to appoint the following persons to the Youth Violence Prevention Steering Committee, for terms to expire December 31, 2008:

Mayoral Appointments

Shukri Adan, Ward 6 - Community
Carol Batsell Benner, Ward 5 - Community
Gary Cunningham, Ward 5 - Community
Roberta Englund, Ward 4 - Community
Michael Favor - Schools
Karen Kelley-Ariwoola, Ward 5 - Community
Sean McMenomy - Schools
Chris Owen - County Probation
Wesley Walker, Ward 5 - Community

City Council Appointments

Carlos Quezada Hoffman, Ward 12 - County Planning Analyst
Mary LaGarde, Ward 9, Community
Shane Price, County AAMP
Sondra Hollinger Samuels, Ward 5, Community
Lamarr Scott, Ward 8, Business
VJ Smith, Ward 8, Community
John Strand, Ward 8, Schools
Rufus Thibodeaux, Ward 5, Faith Community
Doris Thomas, Community

Elected Officials

R. T. Rybak, Mayor
Cam Gordon, Council Member Ward 2

Ex-Officio

Tim Dolan, Chief of Police

Gretchen Musicant, Commissioner of Health

Judith Kahn, Executive Director, Youth Coordinating Board.

Adopted 1/26/2007.

Declining to vote – Samuels.

The **HEALTH, ENERGY & ENVIRONMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

HE&E & W&M/Budget - Your Committee, having sponsored a grant application for the Minneapolis Public Schools' Teenage Pregnancy and Parenting Program (TAPP), now recommends that the proper City officers be authorized to accept a grant award of \$60,000 and execute an agreement with the Minnesota Department of Public Safety to provide funds for comprehensive delinquency prevention programs at the Broadway School for Pregnant and Parenting Teens during the period January 1 through December 31, 2007 (030-890-8943).

Adopted 1/26/2007.

HE&E & W&M/Budget - Your Committee, having under consideration the Twin Cities Healthy Start Project, now recommends that the proper City officers be authorized to apply for two continuation grants from the United States Department of Health and Human Services, Maternal Child Health Bureau, seeking funding for Year 3 in the amount of \$925,000 and Year 4 in the amount of \$925,000 to reduce infant mortality and improve infant health outcomes among the African American and American Indian communities of Minneapolis and St. Paul. The budget periods for the continuation grants are June 1, 2007 through May 31, 2008 for Year 3; and June 1, 2008 through May 31, 2009 for Year 4.

Adopted 1/26/2007.

HE&E & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept \$14,685 from the March of Dimes for the "Healthy Sleep" project to reduce the risk of Sudden Infant Death Syndrome among perinatal women who receive services from Twin Cities Healthy Start. Further, passage of the accompanying Resolution appropriating \$14,685 to the Department of Health & Family Support.

Adopted 1/26/2007.

RESOLUTION 2007R-026

By Benson and Ostrow

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Other Fund (060-860-8624) by \$14,685 and increasing the Revenue Source (060-860-8624 - Source 3720) by \$14,685.

Adopted 1/26/2007.

HE&E & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a four-year grant award of \$901,441 from the United States Department of Health and Human Services, Health Resources and Services Administration, for the Pregnancy Psychosocial Risk Screening Validation Study to test the effectiveness of a screening interview in detecting prenatal patients who would benefit from mental health or substance abuse treatment, or services to respond to intimate partner violence. Further, passage of the accompanying Resolution appropriating \$901,441 to the Department of Health & Family Support.

Adopted 1/26/2007.

JANUARY 26, 2007

RESOLUTION 2007R-027

By Benson and Ostrow

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8618) by \$901,441 and increasing the Revenue Source (060-860-8618 - Source 3210) by \$901,441.

Adopted 1/26/2007.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following reports:

IGR - Your Committee, having held a joint meeting with the City Council of the City of St. Paul regarding legislative initiatives, now recommends passage of the accompanying resolution identifying joint legislative interests of the Cities of St. Paul and Minneapolis.

Adopted 1/26/2007.

Resolution 2007R-028, identifying joint legislative interests of the Cities of St. Paul and Minneapolis for the 2007 Legislative Session, was adopted 1/26/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-028

By Hodges, Hofstede, Remington, Glidden, Colvin Roy, Ostrow, Gordon, Johnson, Samuels, Lilligren, Goodman, Schiff and Benson

Identifying joint legislative interests of the Cities of St. Paul and Minneapolis.

Whereas, the core cities of St. Paul and Minneapolis ("the Cities") are each unique in nature but share many common interests, concerns and issues; and

Whereas, Minneapolis and St. Paul serve as a vital part of the state's economy and share inextricably linked industries, workforce, infrastructure and education systems; and

Whereas, both cities strive to provide the highest quality of life and opportunities, while maintaining essential city services and structurally balancing budgets; and

Whereas, a combination of state aid reductions and changes to property tax law has shifted the burden to the local level resulting in substantial property tax increases for homeowners, reduced level of essential services and a growing disparity between the Cities' tax rates and those of the surrounding communities; and

Whereas, the core cities have a history of strong local leadership and highly prize their ability to make independent decisions on service levels, local land use and local tax policy, yet also strive to build regional cohesion that moves the cities forward to ensure a competitive future for all of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis, in a cooperative effort with the City of St. Paul, jointly support as their highest regional priority the funding for Light Rail along the Central Corridor, which serves as critical infrastructure for the economic hub of the State and provides opportunity for long-term economic vitality.

Be It Further Resolved that the Cities also jointly endorse the following legislative initiatives:

- Property Tax Relief/ Funding Services – support property tax and local government aid reforms to address adequacy, equity of distribution, predictability of appropriations, and the appropriate roles served by the core cities for the benefit of the state.

- Transportation – support for a comprehensive metro (or regional) transportation package with dedicated funding for long-term planning and an organized, fully-funded operations system that does not increase the escalating financial burdens of local governments. This multimodal package includes transit and transportation capital and operating costs, with enhanced bus service and funding for Central Corridor.
- Public Safety – support permanent, stable funding for the entire public safety system, including such critical functions as police, fire, and criminal justice personnel; crime prevention and detection technology; youth outreach; and crime prevention programs.
- Housing & Redevelopment – support adequate economic development, housing and infrastructure funding to address rapidly growing challenges in mortgage foreclosures and abandoned properties; increased state funding for affordable and low-income housing programs at levels significant enough to impact permanent, supportive, assisted, and transitional housing needs; and increased funding to DEED Redevelopment Account under its original intention to fund redevelopment projects.
- Telecommunications – support municipal franchising authority over anyone providing video services in our right of way, continued support of the Public Education Government (PEG) program and support for fair competition while opposing any economic, racial or other redlining.

Adopted 1/26/2007.

IGR - Your Committee, having under consideration the *Moving Forward Together: U of M Twin Cities Campus Area Neighborhood Impact Report*, a document directed by the State legislature in relation to support of an on-campus University of Minnesota Gopher football stadium, and the neighborhood impacts and relationship among the neighborhoods, the U of M and the City of Minneapolis, now recommends approval of the following directions to City staff:

a) That staff be directed to submit the U of M Area Neighborhood Impact Report to the State legislature by 2/15/2007, and in presentations of the report to legislators, the IGR Committee and the City Council continue to clarify that City departments are not at this time implementing actions laid out in the report or shifting existing resources. In addition to the good work already underway, actions outlined in the report can be carried out if funded by legislative action, and after additional work to understand the important implementation and resource implications for such a major undertaking;

b) That the Police, Fire, Public Works, Community Planning & Economic Development, Attorney, and Health & Family Support Departments be directed to provide additional supporting documentation for the final submission of the report to the State legislature clearly spelling out what resources and programs may be available to implement this plan, and report back to the IGR Committee on 2/6/2007 with a progress report prior to submission to the legislature; and

c) That the IGR Department be directed to work with their counterparts at the U of M to find the most appropriate means necessary to bring forward the recommendation of the report to the State legislature and ensuring its passage.

Hofstede moved to amend paragraph “b” of the report to read as follows:

“b) That the Police, Fire, Public Works, Community Planning & Economic Development, Attorney, City Coordinator, Intergovernmental Relations, Regulatory Services and Health & Family Support Departments be directed to provide additional supporting documentation for the final submission of the report to the State legislature clearly spelling out what resources and programs may be available to implement this plan, and report back to the IGR Committee on 2/6/2007 with a progress report prior to submission to the legislature, and that the Minneapolis Public Library and Minneapolis Parks & Recreation be invited to participate; and.” Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 1/26/2007.

IGR - Your Committee, having under consideration the 2007 legislative agenda of the Criminal Justice Coordinating Committee of Hennepin County/City of Minneapolis, now recommends that the City support and approve the CJCC’s legislative agenda, as set forth in Petn No 271750.

Adopted 1/26/2007.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Foundation Nightclub, 10 S 5th St, for an On-Sale Liquor Class B with Sunday Sales License, subject to conditions.

Adopted 1/26/2007.

Resolution 2007R-029, granting the application of Foundation Nightclub, 10 S 5th St, for an On-Sale Liquor Class B with Sunday Sales License, subject to conditions, was adopted 1/26/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-029
By Samuels

Granting the application of Foundation Nightclub, 10 S 5th St, for an On-Sale Liquor Class B with Sunday Sales License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Foundation Nightlife LLC, dba Foundation Nightclub, 10 S 5th St, for an On-Sale Liquor Class B with Sunday Sales License (change in ownership from Basement Ten LLC) to expire October 1, 2007, subject to the following conditions:

1. the licensee shall purchase and utilize card readers to verify the legal age of all customers entering the establishment.
2. the establishment may not advertise itself other than by its dba Foundation/Foundation Nightclub. The lounge space may not be advertised as separate from the Foundation/Foundation Nightclub.
3. the licensee may distribute flyers under the condition that the licensee pick up any and all discarded flyers within a four block radius of the club, and/or a four block radius from any separate point of distribution. On the first violation (violation described as on one occasion finding within the radiuses described more than five handbills discarded) of this condition, the licensee shall be charged a \$200 penalty. On the second violation, a \$400 will be charged, and the licensee will be henceforth prohibited from any handbill or flyer distribution.
4. the licensee may allow 18 plus mixed age venues under the following circumstances:
 - a. An "X" will be placed on each hand of the under 21 patron.
 - b. Patrons 21 plus will be wrist banded.
 - c. Only one (1) alcoholic beverage per patron serviced/sold at a time.
 - d. Non-alcoholic beverages will be served in different glassware than alcoholic beverages.
 - e. No alcoholic beverages allowed in the restrooms.
 - f. No entrance will be allowed to any persons under the age of 21 who appears to have been drinking alcohol.
 - g. Security will monitor and walk the floor to ensure that minors are not drinking alcohol. Minors found drinking alcohol will be required to leave the premises.
5. No free drink specials.
6. Hire appropriate security for the venue. At least seven security staff work any 18 plus venue, and at least 10 security staff when an 18 plus venue is at capacity.
7. Hourly premise inspection that should include the bathrooms and the outside perimeter to ensure no litter, no loitering, and/or any other criminal behavior. The licensee will report any criminal behavior to 911.
8. The establishment will determine appropriate rule of conduct, i.e. dress code, and will trespass any customer that does not comply with their rules of conduct. Those persons trespassed will be flagged on the card readers and will not be allowed entrance into the establishment in the future.

9. The establishment will turn in confiscated, fake IDs to the Minneapolis Police Department on a weekly basis.

10. There must be a manager on duty at all times that has the authority to act on the licensee's behalf.

11. Unless the need arises sooner, a meeting of the licensee and City staff is conducted 60 days after the opening to discuss any issues.

12. The licensee cooperate with the Minneapolis Police Department to identify appropriate security and training practices.

Adopted 1/26/2007.

PS&RS - Your Committee, having under consideration the application of Cardenas Enterprises Inc, dba Pancho Villas Grill, 2539 Nicollet Av, for an On-Sale Liquor Class C-2 with Sunday Sales License (change in ownership from Chiapas Ent Inc) to expire January 1, 2008; a Catering License (new business) to expire April 1, 2007; and a Sidewalk Cafe License to expire April 1, 2007; and having held a public hearing thereon, now recommends that said licenses be granted, subject to the following conditions:

a. the licensee will hire a manager, other than Ivan Cardenas and Kristina Mork that must be approved by the Licensing Division by January 31, 2007.

b. that Ivan Cardenas not have any management duties. Ivan Cardenas may not drink alcoholic beverages on the premises of the establishment regardless of the hours of operation. Ivan Cardenas may be cook or wait staff for the establishment.

c. the licensee will be held to a higher standard for alcohol compliance, and that upon the second sale to a minor within a year, the license may be revoked.

d. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 1/26/2007.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 1/26/2007.

Resolution 2007R-030, granting applications for Liquor, Wine and Beer Licenses, was adopted 1/26/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-030
By Samuels

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2007

Pi Group LLC, dba Pi Bar & Restaurant, 2532 25th Av S (new business)

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2008

Fogo De Chao Churrascaria (Minneapolis), dba Fogo De Chao, 2 S 7th St, 1st floor (new business)

Temporary On-Sale Beer

City of Lakes Nordic Ski Foundation, dba City of Lakes Nordic Ski Foundation, 1406 W Lake St (City of Lakes Loppet, February 3, 2007, 2:00 p.m. to 8:00 p.m.; and February 4, 2007, Noon to 3:00 p.m.).

Adopted 1/26/2007.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.
Adopted 1/26/2007.

Resolution 2007R-031, granting applications for Business Licenses, was adopted 1/26/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-031
By Samuels

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of January 26, 2007 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 271752):

Amusement Devices; Billboard Erector; Courtesy Bench; Dry Cleaner - Flammable; Dry Cleaner - Nonflammable; Dry Cleaning & Laundry Pickup Station; Laundry; Caterers; Food Manufacturer; Restaurant; Food Shelf; Gasfitter Class A; Motor Vehicle Repair Garage; Motor Vehicle Dealer Wholesale; Commercial Parking Lot Class B; Pawnbroker Class A; Plumber; Refrigeration Systems Installer; Rental Halls; Residential Specialty Contractor; Secondhand Goods Class B; Antique Dealer Class B; Sign Hanger; Steam & Hot Water Systems Installer; Suntanning Facility; Taxicab Vehicle; Tobacco Dealer; Combined Trades; Valet Parking; Wrecker of Buildings Class A; Wrecker of Buildings Class B.

Adopted 1/26/2007.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.
Adopted 1/26/2007.

Resolution 2007R-032, granting applications for Gambling Licenses, was adopted 1/26/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-032
By Samuels

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Gambling Class B

Lions Club Northeast Minneapolis, dba Lions Club of Northeast Minneapolis, PO Box 22115 (Off-site gambling March 7, 2007 at Jax Cafe, 1928 University Av NE).

Gambling Lawful Exempt

Church of St. Albert the Great, dba Church of St. Albert the Great, 2835 33rd Av S (Bingo and Raffles March 2; March 9; March 23 and March 30, 2007 at 2836 33rd Av S)

Holy Rosary Church, dba Holy Rosary Church, 2424 18th Av S (Raffle and Paddlewheels April 1, 2007 at 2424 18th Av S)

Mixed Blood Theatre Co, dba Mixed Blood Theater, 1501 S 4th St (Raffles May 13, 2007 at 1501 S 4th St)

Down Syndrome Association of Minnesota, 668 Transfer Rd, St. Paul (Raffles June 10, 2007 at Columbia Park, 800 Columbia Blvd)

Church of Ascension, dba Church of Ascension, 1723 Bryant Av N (Bingo and Raffles February 18, 2007)

Minnesota AIDS Project, dba Minnesota AIDS Project, 1400 Park Av S (Raffles February 25, 2007 at State Theatre, LaSalle Plaza).

Childrens Health Care, dba Childrens Health Care, 2525 Chicago Av (Raffles April 14, 2007 at Depot, 225 S 3rd Av).

Adopted 1/26/2007.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor License held by Clubhouse Jaeger, 923 Washington Av N.

Samuels moved to substitute a new resolution for the above mentioned resolution. Seconded.

Adopted by unanimous consent.

The report, with substitute resolution, was adopted 1/26/2007.

Resolution 2007R-033, approving License Settlement Conference recommendations relating to the On-Sale Liquor License held by Clubhouse Jaeger, 923 Washington Av N, was adopted 1/26/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-033

By Samuels

Approving License Settlement Conference recommendations relating to the On-Sale Liquor License held by Clubhouse Jaeger, 923 Washington Av N.

Whereas, the Licenses & Consumer Services Division held a Licensing Settlement Conference Meeting on December 1, 2006 with the licensee to discuss violations of law relating to the operation of a licensed beverage establishment; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions within a period of less than three months, employees of Clubhouse Jaeger provided alcohol to persons under the age of 21, in violation of the Minneapolis Code of Ordinances, Minnesota Statutes, and the established compliance check policy and procedures of the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the On-Sale Liquor License issued to Clubhouse Jaeger shall be subject to adverse license action, up to and including revocation, with the commencement of such adverse license action stayed through and including August 3, 2008, subject to compliance with the following conditions, as more fully set forth in said Findings on file in the Office of the City Clerk and which are hereby made a part of this resolution by reference:

1. It is strongly suggested that Clubhouse Jaeger require all customers who purchase alcohol to produce identification as listed in Minnesota Statutes Section 340A.503, Subdivision 6. Clubhouse Jaeger has full knowledge of the consequences regarding any future incidents involving the sale of alcohol to minors and understands that such incidents could lead to a revocation of their On-Sale Liquor License. Clubhouse Jaeger agrees to take any necessary steps to assure persons under the age of

21 are properly identified when alcohol purchases are made. This includes, but is not limited to, purchase and utilization of an electronic identification card reading device.

2. A financial penalty of \$3,000 will be levied against Clubhouse Jaeger; \$500 of this penalty will be imposed and must be received in the Office of Police Licenses on December 20, 2006. The imposition of the remaining \$2,500 will be stayed through August 3, 2008, provided that no further incidents of sale of alcohol to a minor occur. A criminal conviction for said violation against any Clubhouse Jaeger employee, or any finding against Clubhouse Jaeger for an administrative citation issued as a result of sale of alcohol to a minor shall constitute proof of sale of alcohol to a minor.

3. The On-Sale Liquor License of Clubhouse Jaeger is suspended for a period of 30 days. Imposition of 30 days of the suspension will be stayed through August 30, 2008, provided that no further incidents of sale of alcohol to a minor occur. A criminal conviction for said violation against any Clubhouse Jaeger employee, or any finding against Clubhouse Jaeger for an administrative citation for sale of alcohol to a minor, shall constitute proof of sale of alcohol to a minor.

4. Should the licensee violate any provision of this Agreement while it is in effect, it shall be subject to adverse license action, including but not limited to the imposition of the stayed license suspension period, the stayed financial penalty, as well as the potential commencement of license revocation proceedings.

5. All Clubhouse Jaeger employees, managers, and owners involved in the daily operations of the business will attend professionally presented alcohol server training. This training shall occur on a yearly basis. The initial training shall be completed by January 31, 2007. All employees, managers or owners hired or brought into the business after this initial training must attend a training class within 30 days of hire or approval as business owner.

6. Clubhouse Jaeger has developed an employee handbook and alcohol service training program that includes policies regarding youth alcohol service. Clubhouse Jaeger will amend this handbook to include all applicable provisions and policies that are developed regarding alcohol service until the expiration of this Agreement, August 3, 2008.

7. A properly trained manager or owner must be on site during business hours at all times.

8. This Agreement does not alter or preclude any previously imposed license conditions that may exist.

9. The licensee is aware that it will be subject to additional compliance checks during the term of this Agreement. As is the policy of the City of Minneapolis, the decoys will at all times respond truthfully to any questions asked of them by employees or sales clerks of the licensee, and, if asked, will present their actual duly issued age identification.

10. This Agreement shall not preclude any other adverse license action, including but not limited to suspension or revocation, for subsequent violations of this Agreement, or for subsequent violations or subsequently discovered violations of any federal, state or local laws, ordinances or regulations.

11. This Agreement shall remain in effect through and including August 3, 2008. It is understood between the parties that this Agreement shall bind only the present licensee and will not bind any subsequent, unrelated person or persons should the business be sold and a new license approved.

Adopted 1/26/2007.

PS&RS - Your Committee, having under consideration the property located at 2126 Dupont Av N which sustained substantial damage due to a fire on January 16, 2007, now recommends that the 60-day waiting period requirements set forth in Section 249.30 (b) of the Minneapolis Code of Ordinances be waived in order to declare the property a nuisance and to begin abatement proceedings.

Adopted 1/26/2007.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept an "Operation Nightcap" grant award of \$12,000 and execute a grant agreement with the Minnesota Department of Public Safety, State Patrol Division, for a Driving While Intoxicated Saturation Program, in cooperation with the State Patrol, University of Minnesota Police, and the Hennepin County

Sheriff. The grant will reimburse overtime costs to officers for increased enforcement targeting impaired drivers, juvenile and young adult violators, speed violations and other enforcement to reduce accidents and increase driver safety. Further, passage of the accompanying Resolution appropriating \$12,000 to the Police Department.

Adopted 1/26/2007.

RESOLUTION 2007R-034

By Samuels and Ostrow

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-DT13) by \$12,000 and increasing the Revenue Source (030-400-DT13 - Source 3210) by \$12,000.

Adopted 1/26/2007.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a donation of \$1,408.38 from Hennepin County to provide funds for Fire Department personnel to attend the 2007 Radiological Emergency Preparedness Training sponsored through a State of Minnesota grant to Hennepin County. Further, passage of the accompanying Resolution appropriating \$1,408.38 to the Fire Department.

Adopted 1/26/2007.

RESOLUTION 2007R-035

By Samuels and Ostrow

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Other Fund (060-280-2820) by \$1,408.38 and increasing the Revenue Source (060-280-2820 - Source 3220) by \$1,408.38.

Adopted 1/26/2007.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW - Your Committee, having under consideration the Mayor's nomination and approval by the Executive Committee of the appointment of Steven A. Kotke to serve as the Director of Public Works for a term to expire January 2, 2008, and having held a public hearing thereon, now recommends approval of said appointment.

Adopted 1/26/2007.

T&PW - Your Committee, having under consideration an easement deed accepted May 11, 1992 from Andrew's Inc. to create a corner cut at the southeasterly intersection of Huron Blvd and University Av SE to accommodate a right turn lane, now recommends that the proper City officers be authorized to record a corrected easement deed, at no cost to the City, clarifying the transaction for a portion of street right-of-way.

Adopted 1/26/2007.

T&PW - Your Committee, having under consideration the Electronic Proprietary Geographic Digitized Database (EPDB) Conditional Use License Agreement with Hennepin County allowing the City to utilize the County's electronic database, now recommends that the proper City officers be authorized to extend Agreement No A02238 through December 31, 2007, at no cost to the City.

Adopted 1/26/2007.

T&PW - Your Committee recommends passage of the accompanying resolution designating the location and streets to be improved in the West Lake Street (from Dupont Av S to Blaisdell Av S) and Lyndale Av S (from 29th St to 31st St) Reconstruction Project, Special Improvement of Existing Street No 6708.

Adopted 1/26/2007.

Resolution 2007R-036, designating the West Lake Street (Dupont Av S to Blaisdell Ave S) and Lyndale Av S (29th St to 31st St) Reconstruction Project, Special Improvement of Existing Street No 6708, was adopted 1/26/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-036
By Colvin Roy

**WEST LAKE STREET (DUPONT AV S TO BLAISDELL AVE S)
AND LYNDALE AV S (29TH ST TO 31ST ST) RECONSTRUCTION PROJECT, SPECIAL
IMPROVEMENT OF EXISTING STREET No 6708**

Designating the improvement of certain existing streets at the location described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by street paving with plant mix asphalt with concrete curb and gutter all on a stabilized base and including other street paving-related improvements as needed:

Lake Street West (from Dupont Av S to Blaisdell Av S) and Lyndale Av S (from 29th St to 31st St).
Adopted 1/26/2007.

T&PW - Your Committee, having received a cost estimate of \$8,869,356.65, of which the City's portion is \$3,344,101.80 for street construction improvements and a list of benefited properties for the W Lake Street (from Dupont Av S to Blaisdell Av S) and Lyndale Av S (from 29th St to 31st St) Reconstruction Project, Special Improvement of Existing Street No 6708, as designated by Resolution 2007R-036, passed January 26, 2007, now recommends that the City Engineer be directed to prepare proposed assessments against the list of benefited properties.

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held on February 27, 2007, to consider approving the above-designated street reconstruction project, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 1/26/2007.

T&PW - Your Committee recommends passage of the accompanying resolution designating the location and streets to be improved in the W Lake Street (from Dupont Av S to Blaisdell Av S) and Lyndale Av S (from 29th St to 31st St) Streetscape Revitalization Project, Special Improvement of Existing Street No 6708.

Adopted 1/26/2007.

Resolution 2007R-037, designating the West Lake Street (Dupont Av S to Blaisdell Av S) and Lyndale Av S (29th St to 31st St) Streetscape Revitalization Project Special Improvement of Existing Street No 6708, was adopted 1/26/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-037

By Colvin Roy

**WEST LAKE STREET (DUPONT AV S TO BLAISDELL AV S)
AND LYNDALE AV S (29th ST TO 31st ST)
STREETSCAPE REVITALIZATION PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET No 6708**

Designating the improvement of certain existing streets at the location described hereinafter.

Whereas, the W Lake Street Streetscape Revitalization Project is located within the boundaries of the W Lake Street (from Dupont Av S to Blaisdell Av S) and Lyndale Av S (from 29th St to 31st St) Special Service District;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by installing pedestrian level street lighting, trash receptacles, landscape elements, ornamental fencing, trees and tree grates together with all the necessary appurtenances and work related to the above-described improvements:

W Lake Street (from Dupont Av S to Blaisdell Av S) and Lyndale Av S (from 29th St to 31st St).
Adopted 1/26/2007.

T&PW - Your Committee, having received a base cost estimate of \$2,593,520 for improvements and a list of benefited properties for the West Lake Street Streetscape Revitalization Project, Special Improvement of Existing Street No 6708, as designated by Resolution 2007R-037, passed January 26, 2007, now recommends that the City Engineer be directed to prepare proposed assessments against the list of benefited properties.

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held on February 27, 2007, to consider approving the above-designated streetscape project, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 1/26/2007.

T&PW - Your Committee reports that, in accordance with Chapter 431 of the Minneapolis Code of Ordinances relating to the establishment of street lighting districts (said Chapter 431 defining such street lighting district as an area wherein lighting in excess of minimum street lighting is provided, and further providing that the City's costs over and above said minimum lighting shall be paid by the benefited property owners), the City Engineer has presented the details required by said Chapter 431 in connection with proposed Street Lighting District No 1327 for assessment of the maintenance and operation costs on additional street lighting for the convenience and safety of the area delineated generally as W Lake Street (from Dupont Av S to Blaisdell Av S) and Lyndale Av S (from 29th St to 31st St) (streets to receive lighting are as designated in the W Lake Street (from Dupont Av S to Blaisdell Av S) and Lyndale Av S (from 29th St to 31st St) Streetscape Revitalization Project, Special Improvement of Existing Street No 6708).

The amount to be assessed is approximately \$6,200 per year, estimated. Chapter 431 provides for a lineal frontage method of assessing these costs.

Your Committee further recommends that if there should be an increase in the cost of street lighting in the future, that the increased cost be reflected in the assessment.

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held February 27, 2007, to consider the establishment of said proposed Street Lighting District No 1327.

Adopted 1/26/2007.

T&PW - Your Committee recommends passage of the accompanying resolution requesting that the Minnesota Commissioner of Transportation add France Av, from Lake St W to Cedar Lake Av, to the Municipal State Aid Street System within the City of Minneapolis.

Adopted 1/26/2007.

Resolution 2007R-038, requesting an addition to the Municipal State Aid Street System within the City of Minneapolis, was adopted 1/26/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-038
By Colvin Roy

Requesting an addition to the “Municipal State Aid Street System” within the City of Minneapolis.

Whereas, it appears to the City Council of the City of Minneapolis that the streets hereinafter described should be added to the system of “Municipal State Aid Streets” under the provisions of Minnesota Statutes of 1983, Chapter 162; and

Whereas, it is the desire of said City Council that said streets be or added to the system of “Municipal State Aid Streets” as previously established;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the street described and numbered as follows be designated as “Municipal State Aid Street” of said City subject to the release of the county highway jurisdiction and the approval of the Commissioner of Transportation of the State of Minnesota:

Route Addition:

No 453 France Av from Lake St W to Cedar Lake Av.

Be It Further Resolved that upon approval of the Commissioner of Transportation of the State of Minnesota of said streets, such approved streets shall comprise additions to the “Municipal State Aid Street System” of the City of Minneapolis and that the same be constructed, improved, and maintained in accordance with the rules and regulations of the Commissioner of Transportation and the provisions of Minnesota Statutes of 2001, Section 162.09

Adopted 1/26/2007.

T&PW - Your Committee recommends passage of the accompanying resolution approving the execution of an agreement between the Commissioner of Transportation, State of Minnesota, City of Minneapolis, and the Burlington Northern Santa Fe Railway Company (BNSF) for safety improvements to the 27th Av NE/BNSF railroad crossing (between 2nd St NE and California St NE), pending satisfactory review by the proper City Officials.

Adopted 1/26/2007.

Resolution 2007R-039, entering into an agreement between the Commissioner of Transportation, State of Minnesota, City of Minneapolis, and the Burlington Northern Santa Fe Railway Company (BNSF) for safety improvements to the 27th Av NE/BNSF railroad crossing, was adopted 1/26/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-039

By Colvin Roy

Entering into Agreement No. 90527 (MN Project No STPX 2707) between the Commissioner of Transportation, State of Minnesota (State), City of Minneapolis, and the Burlington Northern Santa Fe Railway Company (BNSF) for safety improvements to the 27th Av NE/BNSF railroad crossing.

Whereas, the State has identified the 27th Avenue NE/BNSF Railroad Crossing as eligible for Federal Aid hazard elimination; and

Whereas, the City and BNSF desire that warning device improvements, as described in the agreement, be installed at the crossing; and

Whereas, the State has determined that the proposed selection is appropriate for said crossing;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis enter into an agreement with the Commissioner of Transportation and BNSF for the installation and maintenance of railroad warning devices at the crossing of 27th Av (MSAS 0325) with the BNSF tracks in Minneapolis, Minnesota, and appoint the Commissioner of Transportation agent for the City to supervise said project and administer available federal funds in accordance with Minnesota Statute, Section 161.36.

Be It Further Resolved that the proper City Officials be authorized to execute said agreement and any amendments thereto for and on behalf of the City.

Adopted 1/26/2007.

T&PW - Your Committee, having under consideration the written request from John Zimmerschied, on behalf of Zimmerschied, Inc., for a review by the City Council regarding the decision of the Public Works Director's Designee to deny Zimmerschied, Inc.'s appeal of the Stormwater Utility Fee for the properties located at 4400 and 4430 Lyndale Av N, now recommends that said decision to deny the appeal be upheld, and that the Findings, Conclusions, and Recommendations prepared by the City Attorney's Office and on file in the office of the City Clerk be adopted. (Petn No 271758)

Adopted 1/26/2007.

T&PW - Your Committee, having under consideration the construction of the new Fire Station No. 14, now recommends that the proper City officers be authorized to execute Change Order No 5 (final) to Contract No C-21859 with Rochon Corporation, increasing the contract by \$7,801, for a revised contract total of \$3,372,868.36, to allow for construction contingencies provided as part of the original project budget.

Adopted 1/26/2007.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute Change Order No 1, increasing Contract C-22850 with R & R Leasing, Inc. by \$230,000, for a revised contract total of \$730,000, to provide for the hauling of treatment residuals from the Dewatering Plant. Funds are available in the PW-Water Treatment & Distribution Agency in the Water-Enterprise Fund.

Adopted 1/26/2007.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to offer Step 5 of the salary scale to Mr. Chris Catlin for the position of Public Works Superintendent of Water Plant Operations.

Adopted 1/26/2007.

T&PW & W&M/Budget - Your Committee, having under consideration the Non-motorized Transportation Pilot Project, now recommends:

a) Passage of the accompanying resolution authorizing the proper City officers to execute an amendment to an agreement with the State of Minnesota to provide up to \$2,474,892 in federal grant funding for anticipated expenses through December 31, 2007;

b) That the proper City officers be authorized to execute Amendment No 1 to City Agreement C-23887 with Transit for Livable Communities (TLC) to perform specific work efforts as outlined in and in accordance with MnDOT Agreement No 89757 which provides up to \$2,474,892 in federal grant funding through December 31, 2007; and

c) Passage of the accompanying resolution increasing the appropriation and revenue for the project from \$996,000 to \$2,474,892.

Adopted 1/26/2007.

RESOLUTION 2007R-040
By Colvin Roy and Ostrow

Executing Amendment No. 1 to MnDOT Agreement No 89757 between the State of Minnesota and the City of Minneapolis.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to execute Amendment No 1 to MnDOT Agreement No. 89757 between the State of Minnesota and the City of Minneapolis (City Agreement C-23888) to provide up to \$2,474,892 in federal grant funding for the Non-motorized Transportation Pilot Project for anticipated expenses through December 31, 2007.

Adopted 1/26/2007.

RESOLUTION 2007R-041
By Colvin Roy and Ostrow

Amending Resolution 2006R-413 entitled "Amending The 2006 Capital Appropriation Resolution", passed August 4, 2006.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the amount of federal grant funding for the Non-motorized Transportation Pilot Project from \$996,000 to \$2,474,892, as follows:

Increasing the PW-Transportation Capital Agency in the Grants-Federal Fund (0300-943-9462) from \$996,000 to \$2,474,892 and increasing the revenue source (0300-943-9462 Source-3210) from \$996,000 to \$2,474,892.

Adopted 1/26/2007.

T&PW & W&M/Budget - Your Committee, having under consideration the Downtown Minneapolis Transportation Management Organization (TMO) now recommends:

a) That the proper City officers be authorized to execute Amendment No 1 to the Metropolitan Council Pass Through Grant Agreement No. 051004 between the Metropolitan Council and the City of Minneapolis (C-22040) to provide up to \$685,707 in federal grant funding for TMO projects in effect for the period January 1, 2005 through March 31, 2007;

b) That the proper City officers be authorized to execute Amendment No 1 to City Agreement No C-22039 with the Downtown Minneapolis Transportation Management Organization to perform specific work efforts as outlined in and in accordance with Metropolitan Council Contract No 051004 which provides up to \$665,707 in federal grant funding in effect for the period January 1, 2005 through March 31 2007; and

c) Passage of the accompanying resolution increasing the appropriation and revenue for the project from \$585,000 to \$665,707.
Adopted 1/26/2007.

RESOLUTION 2007R-042
By Colvin Roy and Ostrow

Amending Resolution 2005R-197 entitled “Amending The 2005 Capital Appropriation Resolution”, passed April 15, 2005.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the amount of federal grant funding for the Downtown Minneapolis Transportation Management Organization (TMO) from \$585,000 to \$665,707 as follows:

Increasing the PW-Transportation Capital Agency in the Grants-Federal Fund (0300-943-9462) from \$585,000 to \$665,707 and increasing the revenue source (0300-943-9462 Source-3215) from \$585,000 to \$665,707.

Adopted 1/26/2007.

T&PW & W&M/Budget - Your Committee, having under consideration the City/County Cooperative Agreement for the East Lake Street Reconstruction and Streetscape Projects (Segment 2 - 5th Av S to Hiawatha Av S; and Segment 3 - Hiawatha Av S to W River Rd), now recommends passage of the accompanying resolutions increasing the appropriation and revenue for the City's estimated share of project costs and County payments for City Force Account work to be performed by the City's Paving Department.

Adopted 1/26/2007.

RESOLUTION 2007R-043
By Colvin Roy and Ostrow

Amending The 2007 Capital Appropriation Resolution.

That the above entitled resolution, as amended, be further amended by decreasing the segment 2 appropriation for the PW-Traffic and Parking Capital Agency in the Permanent Improvement Fund revenue source 3220 (4100-943-9440 Project number TR016) in the amount of \$60,582.36 and decreasing the segment 2 appropriation for the PW-Traffic and Parking Capital Agency in the Permanent Improvement Fund revenue source 3220 (4100-943-9440 Project number TR016) in the amount of \$162,000 and increasing the PW-Paving Agency in the Permanent Improvement Fund revenue source (4100-937-9374 Project number LKSTS) in the amount of \$162,000 for work performed by the City's Paving Department.

Adopted 1/26/2007.

RESOLUTION 2007R-044
By Colvin Roy and Ostrow

Amending The 2007 Capital Appropriation Resolution.

That the above entitled resolution, as amended, be further amended by:

a) Increasing segment 3 appropriation for the PW-Traffic and Parking Capital Agency in the Permanent Improvement Fund revenue source 3910 (4100-943-9440 Project number TR016) by \$126,900.00 and decreasing PW-Paving Fund (4100-937-9372 Project number LKSTS) Net Debt Bond appropriation by \$126,900.00; and

b) Increasing segment 3 appropriation for the PW-Traffic and Parking Capital Agency in the Permanent Improvement Fund revenue source 3220 (4100-943-9440 Project number TR016) by \$497,102.62 for County-requested Force Account Work to be performed by the City's Traffic Division.
Adopted 1/26/2007.

T&PW & W&M/Budget - Your Committee recommends that the Director of Public Works, the Director of Purchasing, or their designees, be authorized to enter into binding contracts for fixed fuel prices (gasoline, diesel, E85, etc.) based on futures markets.
Adopted 1/26/2007.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying resolution increasing the appropriation in the Parking Fund by \$100,000 to be used for consultant costs to develop the Street Furniture Program, with repayment from future Street Furniture Franchise revenues.

Colvin Roy moved to substitute the following report for the above report. Seconded.
Adopted by unanimous consent.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying resolution increasing the appropriation for the Street Furniture Program by \$100,000, to be used for consultant costs in the development of the program, with repayment from 2006 bus shelter revenues above the 2006 budgeted amount, and 2007 bus bench revenues above the 2007 budgeted amount.

The substitute report was adopted 1/26/2007.

RESOLUTION 2007R-045
By Colvin Roy and Ostrow

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW-Transportation Operating Agency in the General Fund (0100-6895) by \$100,000, with repayment from 2006 bus shelter revenues above the 2006 budgeted amount, and 2007 bus bench revenues above the 2007 budgeted amount.

Adopted 1/26/2007.

T&PW & W&M/Budget - Your Committee recommends acceptance of the following bids submitted to the Public Works Department:

a) OP 6694, low bid of Egan Companies, Inc., in the amount of \$81,887, to furnish and deliver all labor, materials, equipment, and incidentals necessary for the removal of existing light fixtures and the installation of new light fixtures in Parking Ramp B;

b) OP 6701, low bid of Low Voltage Contractors, in the amount of \$23,816, to furnish and deliver all labor, materials, equipment, and incidentals necessary for fire alarm system upgrades at the Orchestra Hall and Plaza Parking Ramps; and

c) OP 6703, low bid of Mountain Environmental, Inc., for an estimated annual expenditure of \$742,500, to load, haul, and dispose of lime waste for the Public Works Water Department.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said services, all in accordance with City specifications and contingent upon approval of the Civil Rights Department. (Pent No 271759)

Adopted 1/26/2007.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a contract in the amount of \$207,000 with Mythics, Inc. to provide training on the new financial system software.

Your Committee further recommends passage of the accompanying resolution appropriating \$207,000 to Business Information Services Agency.

Adopted 1/26/2007.

Approved by Mayor Rybak 1/29/2007.

(Published 1/30/2007)

RESOLUTION 2007R-046

By Ostrow

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Business Information Services Agency in the Info Tech - Internal Service Fund (6400-880-8870 880F5171) by \$207,000 and increasing the Revenue Source (6400-880-8870 - Source 3455) by \$207,000.

Adopted 1/26/2007.

Approved by Mayor Rybak 1/29/2007.

(Published 1/30/2007)

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute agreements with the State of Minnesota and Hennepin County for district court case records to provide complete historical and criminal history information in the Practice Manager System application used by the City Attorney.

Adopted 1/26/2007.

W&M/Budget - Your Committee, having under consideration the New Central Library Project, now recommends approval of Change Order No. 2 increasing Contract #C-22756 with Border State Electric, by \$5,982, for a new contract total of \$151,918.

Adopted 1/26/2007.

W&M/Budget - Your Committee recommends approval of the February 2007 utility billing insert announcing the 2007 North and South Minneapolis Housing Fairs in March 2007.

Adopted 1/26/2007.

W&M/Budget - Your Committee, having under consideration the Transition Plan for Meet Minneapolis to assume the operational management of iDSS, submitted by the Board of Directors of iDSS and the Executive Committee of the Meet Minneapolis Board of Directors as set forth in Petn No 271767 on file in the Office of the City Clerk, now recommends approval of the plan, to include the following elements:

a) Further iDSS staff reductions.

b) Additional loan draws not to exceed \$900,000. That up to \$500,000 of the draws can be for costs incurred prior to February 1, 2007; and that up to \$400,000 of the draws can be for transition costs incurred by iDSS after February 1, 2007 for iDSS services that are then currently provided to customers, including Meet Minneapolis. Loan draws are subject to the limits and purposes specified in the loan agreements between the City of Minneapolis and Meet Minneapolis.

c) Establishment of sales goals that will allow iDSS to become financially self-supporting beginning in 2008.

d) Meet Minneapolis must carefully monitor sales results, operating costs, and debt levels in order to become financially self-supporting by 2008.

e) That the use of proceeds from the sale of iDSS intellectual property, including the Destination Management System (DMS), by Meet Minneapolis will be approved by the City's CFO with the priority to pay down the City of Minneapolis line of credit.

Adopted 1/26/2007. Yeas, 12; Nays, 1 as follows:

Yeas - Benson, Goodman, Hodges, Samuels, Gordon, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Remington, Johnson.

Nays - Hofstede.

W&M/Budget - Your Committee, having under consideration the Empowerment Zone (EZ) loan in the amount of \$164,000 to Siyeza, Inc., a frozen and refrigerated food manufacturing company located at 1000 Humboldt Avenue North, now recommends the following:

a) That said loan be declared uncollectible; and

b) Concurrence with the recommendation of the EZ Governance Board to forgive the loan.

Adopted 1/26/2007. Yeas, 10; Nays, 3 as follows:

Yeas - Hodges, Samuels, Gordon, Hofstede, Schiff, Lilligren, Colvin Roy, Glidden, Remington, Johnson.

Nays - Benson, Goodman, Ostrow.

W&M/Budget - Your Committee, having under consideration the loan from the Department of Community Planning & Economic Development to the Department of Regulatory Services in the amount of \$450,000 for Chapter 249 Vacant and Boarded Properties, now recommends canceling the Community Development Block Grant (CDBG) loan by:

a. Allocating \$300,000 of CDBG Program Income earned from CPED Residential Loan Programs back to the Department of Community Planning & Economic Development (CPED) from the Department of Regulatory Services.

b. Transferring \$125,000 of 2006 CDBG budget authority back to CPED Vacant & Boarded Housing Program from Regulatory Services.

c. Cancel direction to City Finance staff to reimburse the CPED agency with proceeds from assessments paid for the properties demolished with the \$425,000 CPED agency is making available to the Department of Regulatory Services to fund demolition of Chapter 249 properties within the City of Minneapolis.

d. Passage of the accompanying resolution amending the 2006 General Appropriation Resolution.

Adopted 1/26/2007.

RESOLUTION 2007R-047

By Ostrow

Amending The 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by:

a) Increasing the appropriation for the Community Planning & Economic Development Agency in the CDBG and UDAG Funds (0400-890-8952) by \$125,000 and decreasing the 2006 Revenue Source (0400-890-8952 - Source 3455) by \$425,000.

b) Decreasing the appropriation for the Regulatory Services Agency in the CDBG and UDAG Funds (0400-835-8560) by \$425,000.

Adopted 1/26/2007.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Walter Rockenstein II, on behalf of Pacific Flats, LLC, from the decision of the Heritage Preservation Commission which denied applications for Certificates of Appropriateness (COA) for the Pacific Development at 215-223 2nd St N; 212-216 2nd Ave N and part of 219 2nd St N, 206-214 1/2 Washington Ave N and part of 216 2nd

Ave N; and the interior of the block bounded by Washington Ave N, 3rd Ave N, 2nd St N and 2nd Ave N for:

- a. PD3: Rehabilitation and addition of new construction to adaptively reuse the Northwestern Glass Co. Building for a new hotel, located at 215-223 2nd St N;
- b. PD4: Demolition of the Gehl-Dolphin Building and construction of a 28-Story condominium building at 212-216 2nd Ave N and part of 219 2nd St N;
- c. PD6: Construction of a 18-Story condominium building at 206-214 1/2 Washington Ave N and the northwesterly part of 216 2nd Ave N; and
- d. PD7: Construction of a parking ramp and vehicle access on parts of Lots 1-5, 7 and 8, Block 34, Town of Minneapolis (the interior of the block bounded by Washington Ave N, 3rd Ave N, 2nd St N and 2nd Ave N);

now recommends that said appeals be denied and the applications be denied, and the Community Planning & Economic Development staff findings, as amended, be adopted.

Adopted 1/26/2007.

Z&P - Your Committee, having under consideration the appeal filed by John C. Trautz on behalf of Stadium Village Plaza, LLC from the decision of the Board of Adjustment which denied an application for variance to reduce the required off-street parking from 75 to 35 spaces to convert a video store into three new retail establishments at 917 Washington Ave SE, now recommends that said appeal be granted and the application approved, subject to the following conditions: a) An additional 15 spaces shall be provided for bicycle parking; and b) Not more than 50 percent of total window space shall be covered.

Adopted 1/26/2007.

Z&P - Your Committee, having under consideration the appeal filed by Michael and Mary Garrity from the decision of the Board of Adjustment which denied applications for the following variances: a) to reduce the front yard setback along Grand Ave S from 31 feet to 15 feet, 6 inches; b) to allow for an attached garage to project further than 5 feet in front of the habitable portion of the dwelling; and c) to allow an attached garage to exceed 60 percent of the width of the structure, all to allow for the addition of a new, attached two-stall garage with a roof-top deck (above the garage) to the front of the single family dwelling at 5324 Grand Ave S, now recommends that said appeals be granted, and the applications approved, and the application for variance to allow an attached garage to exceed 60 percent of the width of the structure be withdrawn at the request of the applicant.

Schiff moved that the report be amended by adding the following paragraph:

"Further, staff is directed to draft Findings of Fact to support the Committee's decision, for adoption at the next regularly scheduled City Council meeting." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 1/26/2007.

Z&P - Your Committee, having under consideration the application of Nob Hill Investments, LLC, for a waiver from Interim Ordinance 2006-Or-119, providing for a moratorium on building construction that exceeds the maximum height permitted as of right by the zoning code in the area of the Uptown Small Area Plan (passed 10/20/2006), to permit application for land use applications for a 6-story hotel use on the site at 3017, 3021 and 3027 Holmes Ave S, now recommends that said waiver be approved, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 1/26/2007.

Z&P - Your Committee concurs in the recommendation of the Planning Commission relating to the applications of Van Cleve Court Development, LLC for a planned unit development including conversion of two existing structures and construction of four new multifamily dwellings for a total of 236 dwelling units and a parking area at 901-941 13th Ave SE and 932 12th Ave SE, and adopting the related findings prepared by the Department of Community Planning & Economic Development, as follows:

a. Granting the petition (BZZ-3345) to rezone the properties at 901-941 13th Ave SE and 932 12th Ave SE, by adding the Industrial Living Overlay District to the existing I1 District, by passage of the accompanying ordinance amending the Zoning Code.

b. Approving the application to vacate a portion of the alley (#1477) on the block bound by Como Ave SE and 12th Ave SE as part of a developable area to construct a multiple family dwelling, by passage of the accompanying resolution.

c. Approving the application to vacate a portion of the alley and street (# 1478) on the block bound by Como Ave SE, vacated Brooks Ave, 12th Ave and 13th Ave SE as part of a developable area to construct two multiple family dwellings and a parking area, subject to retention of easement rights by Xcel Energy, by passage of the accompanying resolution.

Adopted 1/26/2007.

Ordinance 2007-Or-012 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally, rezoning the properties at 901-941 13th Ave SE and 932 12th Ave SE by adding the Industrial Living Overlay District to the existing I1 District, was adopted 1/26/2007 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2007-Or-012
By Schiff
1st & 2nd Readings: 1/26/2007

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lots 19, 20, 21 and 22, Block 2, and the North 30 feet of Lot 1, Block 3, including the adjacent portions of vacated Brook Avenue SE, Elwell's Third Addition to Minneapolis, Hennepin County, Minnesota (917 13th Ave SE, Abstract);

Lot 23, Block 2, Elwell's Third Addition to Minneapolis, Hennepin County, Minnesota (935 13th Ave SE, Abstract);

Lot 24, Block 2, Elwell's Third Addition to Minneapolis, Hennepin County, Minnesota (941 13th Ave SE, Torrens. Certificate # 357437);

All of Lots 14, 15, 16, 17 and 18, and that portion of Lots 13, 19, 20, 21, 22 and 23, Block 1, Neill and Pratt's Addition to Minneapolis, according to the recorded plat thereof, lying Northerly of a line drawn parallel with and 8.5 feet distant Northerly, measured at right angles, from the center line of the most northerly track of the Chicago, St. Paul, Minneapolis and Omaha Railway Company.

Also, that certain piece of land described as follows: Beginning at the northwest corner of Lot 17, Block 2, Elwell's Third Addition to Minneapolis, according to the recorded plat thereof; thence easterly 130 feet, more or less, to a point on the South line of Lot 18 of said Block 2, which point is 100.88 feet East of the Southwest corner of said Lot 18; thence South at right angle to the South line of Lot 18 a distance of 33 feet; thence West to a point on a line drawn Southerly and at right angles from said 130 foot line where said 130 foot line intersects the South line of said Lot 18; thence Southerly at right angles from said 130 foot line to a point which is 8.5 feet distant northerly from center line of most northerly track of said railway company, measured at right angles thereto; thence Westerly, parallel with and 8.5 feet distant to northerly from said center line to the East of Block 1, Neill and Pratt's Addition to Minneapolis; thence North on said East line of said block to the point of intersection of said East line with the extension West of the North line of Lot 13, Block 2, Elwell's Third Addition to Minneapolis; thence East along said extended line 33 feet; thence South to a point where said 130 foot line across

Lots 17 and 18, produced westerly, intersects the center line of vacated twelfth Avenue SE; thence easterly, along said 130 foot line to the place of beginning (932 12th Ave SE, Abstract); and

That part of Lot 1, Block 3, Elwell's Third Addition to Minneapolis, lying southerly of the South line of the North 30 feet of said lot, and lying northeasterly of a line parallel with and distant 10 feet Northeasterly, measured at right angles and radially, from the center line of the most Northeasterly side track of the Chicago and North Western Transportation Company (formerly Chicago, St. Paul, Minneapolis, and Omaha Railway Company), as said side track is now located in Hennepin County, Minnesota (901 13th Ave SE, Abstract);

(Plate 15) by adding the Industrial Living Overlay District to the existing I1 District.

Adopted 1/26/2007.

Resolution 2007R-048, vacating a portion of the alley on the block bound by Como Ave SE and 12th Ave SE, was adopted 1/26/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-048

By Schiff

Vacating a portion of the alley on the block bound by Como Ave SE and 12th Ave SE (#1477).

Resolved by The City Council of The City of Minneapolis:

All that part of north-south alley located adjacent to Lots 13 thru 23, in Block 1, Neill & Pratt's Addition to Minneapolis, Hennepin County, Minnesota, described as follows is hereby vacated:

Beginning at the most southerly corner of Lot 13, Block 1, Neill & Pratt's Addition to Minneapolis, then North to the northeast corner of said Lot 13, thence East to the northwest corner of Lot 14, said Block 1, thence South 168.3 feet, thence Northwest on an assumed bearing to the point of beginning.

Adopted 1/26/2007.

Resolution 2007R-049, vacating a portion of the alley and street on the block bound by Como Ave SE, vacated Brooks Ave, 12th Ave and 13th Ave SE, was adopted 1/26/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-049

By Schiff

Vacating a portion of the alley and street on the block bound by Como Ave SE, vacated Brooks Ave, 12th Ave and 13th Ave SE (# 1478).

Resolved by The City Council of The City of Minneapolis:

All that part of the Alley in Block 2, Elwell's Third Addition to Minneapolis, Hennepin County, Minnesota, described as follows:

All that part of the public alley in Block 2, Elwell's Third Addition to Minneapolis which lies south of the easterly extension of the North line of Lot 13, Block 2, and northerly of the easterly extension of the South line of Lot 18, Block 2 of said addition; and

All that part of the remaining segment of Brooks Ave which was used as an extension of the above described alley and which lies between the Southerly extension of the East line of Lot 18, Block 2, Elwell's Third Addition to the North line of Block 3, of said addition and the Southerly extension of the West line of Lot 19, Block 2, Elwell's Third Addition to the Northerly line of Block 3, said addition.

is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporation(s) as follows, to wit:

As to Xcel Energy, an easement throughout the entire length and width of that part of the alley adjacent to Lots 13 thru 24, Block 2, Elwell's Third Addition to Minneapolis.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said easement upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 1/26/2007.

Z&P – Your Committee, having under consideration the Redevelopment Supplement for the Marcy-Holmes Neighborhood Master Plan, now recommends concurrence in the recommendation of the Planning Commission that the findings prepared by Community Planning & Economic Development staff be adopted, and that said Redevelopment Supplement be adopted as an amendment to the existing adopted *Master Plan for the Marcy-Holmes Neighborhood* as part of the Implementation chapter.

Adopted 1/26/2007.

MOTIONS

Remington introduced an ordinance amending Title 21, Chapter 581 of the Minneapolis Code of Ordinances relating to *Interim Ordinances: Providing for a Moratorium on Building Construction that Exceeds the Maximum Height Permitted as of Right by the Zoning Code in the Area of the Uptown Small Area Plan* (extending the moratorium an additional six months), which was given its first reading and referred to the Zoning & Planning Committee.

RESOLUTIONS

Resolution 2007R-050, urging the cessation of war and combat operations in Iraq and the return of American troops, was adopted 1/26/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-050

By Remington, Gordon, Hofstede, Samuels, Lilligren, Glidden, Schiff, Colvin Roy

Urging the Cessation of War and Combat Operations in Iraq and the Return of American Troops.

Whereas, the Minneapolis City Council supports the more than one million brave men and women deployed in Iraq and Afghanistan since 2001, honors the memory of those who have lost their lives in the war, and supports the families who have lost their loved ones; and

Whereas, Minneapolis's police and fire departments, many of whom have been called to serve, are our first line of defense against terrorism and our first responders in emergencies and disasters; and

Whereas, the United States military occupation of Iraq has placed significant strains on the capacity of the United States Armed Forces, both active duty and reserve and the National Guard; and

Whereas, many members of the Armed Forces are entering into their third and fourth deployments to Iraq; and

Whereas, the war in Iraq, now in its fourth year has caused a) the deaths of more than 3,000 American soldiers and an estimated 600,000 Iraqis; b) the physical and psychological wounding and disabling of more than 22,000 American soldiers and of hundreds of thousands of Iraqis; and c) the destruction of the homes, communities, and livelihoods of hundreds of thousands of Iraqis; and

Whereas, more than \$378 billion dollars has been appropriated by Congress to fund military operations and reconstruction in Iraq when the Congressional Budget Office (CBO), prior to commencement of military action in Iraq, estimated the costs of the conflict at \$21 to \$33 billion; and

Whereas, the funds spent by Minneapolis taxpayers on the war and occupation in Iraq equal more than \$569 million and could have provided enough money for 47,000 children to utilize Head Start for one year; or more than 322,000 children to have a year's worth of health insurance; or more than 26,000 four-year college scholarships at public universities, according to the National Priorities Project; and

Whereas, The war and continued occupation have resulted in the devastation of Iraq's physical and social infrastructure and led to widespread and continuous resistance to U.S. occupation that threatens the lives of Iraqi civilians and the men and women who compose the ranks of U.S. and other occupying forces; and

Whereas, hundreds of similar resolutions have been enacted and registered throughout the country; and

Whereas, it is the duty of the City Council to act on behalf and in the best interest of the citizens of Minneapolis; and

Whereas, the City Council is empowered to make such resolutions as may be necessary to protect the public interest and for the preservation of health, welfare, peace, and order; and

Whereas, just this month, more than 20,000 additional American sons and daughters, mothers and fathers have been ordered into battle;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis urges the United States government to:

1. Commence planning an orderly, rapid, and comprehensive withdrawal of United States military personnel from Iraq.
2. Support our troops by ensuring that returning veterans receive compensation and care, including full mental and physical health, education, disability, and rehabilitation benefits.
3. Provide the people of Iraq with appropriate non military aid as shall be necessary for the security of Iraq's citizens and for the rebuilding of Iraq.
4. Establish a plan for the ongoing transition of responsibility for internal security activities to the military forces of the Iraqi Government.
5. Pursue security and stability in Iraq through diplomacy.

Be It Further Resolved that a copy of this resolution be forwarded immediately to United States President George W. Bush, Senator Norm Coleman, Senator Amy Klobuchar, Representative Keith Ellison, and members of the Minnesota State House and Senate representing Minneapolis.

Adopted 1/26/2007.

Declining to vote - Goodman, Hodges, Ostrow, Johnson.

Resolution 2007R-051, honoring Launa Q. Newman, was adopted 1/26/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-051

**By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman,
Glidden, Schiff, Remington, Benson, Colvin Roy and Hodges**

Honoring Launa Q. Newman.

Whereas, Launa Q. Newman is the President and CEO of the Minneapolis Spokesman and Recorder; and

Whereas, The Minneapolis Spokesman and Recorder is celebrating 72 years of service to the community and is the oldest community newspaper in the State of Minnesota; and

Whereas, The Spokesman- Recorder is a strong institution with deep roots in the Minneapolis and St. Paul metro area and particularly the Central Neighborhood; and

Whereas, The Spokesman- Recorder won the Minnesota Newspaper Association's Community Leadership Award in 2004 for its investigation of the Minneapolis Empowerment Zone; and

Whereas, Under the leadership of Launa Q. Newman the Spokesman- Recorder has been the official newspaper for several community events including Sister Spokesman, Juneteenth, The Gathering, Rondo Days, and the United Negro College Fund Walk-A-Thon;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That we honor Launa Q. Newman for her outstanding leadership, exemplary community service and dedicated commitment to informing African Americans and the broader community of the news and issues of the day.

Be It Further Resolved that we declare January 26th, 2007 as Launa Q. Newman Day in the City of Minneapolis.

Adopted 1/26/2007.

Lilligren moved to adjourn to Room 315 City Hall to consider the Gatlin v. City of Minneapolis, et al and Kristina Lemon v. City of Minneapolis, et al lawsuits. Seconded.

Adopted upon a voice vote 1/26/2007.

Room 315 City Hall

Minneapolis, Minnesota

January 26, 2007 - 10:57 a.m.

The Council met pursuant to adjournment.

President Johnson in the Chair.

Present – Benson, Goodman, Hodges, Samuels, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Remington, Johnson.

Absent - Gordon, Hofstede.

Heffern stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the Gatlin v. City of Minneapolis, et al and Kristina Lemon v. City of Minneapolis, et al lawsuits.

At 10:59 a.m., Remington moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Present – Benson, Goodman, Hodges, Samuels, Gordon (In at 11:01 a.m.), Hofstede (In at 11:02 a.m.), Ostrow, Schiff, Lilligren (Out at 11:25 a.m.; In at 11:29 a.m.), Colvin Roy (Out at 11:16 a.m.; In at 11:24 a.m.), Glidden, Remington, Johnson.

Also present - Jay Heffern, City Attorney; James Moore, Assistant City Attorney; Steve Norton, Assistant City Attorney; Lt. Andy Smith, Police Department (Out at 11:30 a.m.); Inspector Valerie Wurster, Police Department (Out at 11:30 a.m.); Peter Wagenius, Mayor's Office (In at 11:27 a.m.); Ulysses Seal, Assistant Fire Chief (In at 11:30 a.m.); Merry Keefe, City Clerk; and Jackie Hanson, City Clerk's Office.

Moore summarized the Gatlin v. City of Minneapolis, et al lawsuit from 11:00 a.m. to 11:30 a.m.

Moore summarized the Lemon v. City of Minneapolis, et al lawsuit from 11:30 a.m. to 11:52 a.m.

At 11:52 a.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Remington moved to approve the settlement of the case of the *Estate of Gatlin v. City of Minneapolis, et al.*, Hennepin County District Court File No. WD 01-923 with payment of \$40,000 to Demetrius Gatlin as Trustee for the Estate of Juwan Gatlin and to her attorney, Larry Leventhal. Payment shall be from Fund/Org 690-150-1500-4000. The City Attorney's Office is hereby authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 1/26/2007.

Hofstede moved to approve the settlement of the case of *Kristina Lemon v. City of Minneapolis, et al.*, United States District Court File No. 06-1696 MJD/SRN in the amount of \$35,000 payable to Kristina Lemon and her attorney, R. Daniel Rasmus. Payment shall be from Fund/Org 690-150-1500-2800. Further, the City agrees that Kristina Lemon will not be supervised by Bonnie Bleskachek for the next three years, and agrees that Mayor R.T. Rybak will meet with Plaintiff for up to 15 minutes to discuss the Fire Department. The City Attorney's Office is hereby authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 1/26/2007. Yeas, 11; Nays, 2 as follows:

Yeas - Benson, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Colvin Roy, Glidden, Remington, Johnson.

Nays - Goodman, Lilligren.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Lilligren moved to adjourn. Seconded.

Adopted by unanimous consent 1/26/2007.

Merry Keefe,
City Clerk.

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Corrections: 3/23/2007; 4/30/2007